S.B. CRIMINAL MISC. IInd BAIL APPLICATION NO.1889/2006
(Raju Vs. State)

Date of order : 5.5.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. M.K. Garg, for the applicant.
Mr. Ashok Upadhyay, Public Prosecutor.

I have heard learned counsel for the applicant as well as learned Public Prosecutor for the State and carefully gone through the impugned order. I have also perused the challan papers.

It is contended by the learned counsel for the applicant that after rejection of the first bail application, challan has been filed against the applicant and as per the challan papers, there is no role assigned to the applicant for inflicting any injury or that he was armed with any weapon. The main allegations are levelled against Jaswant, Ashok Kumar, Jayanti Lal, Vishnu, Kalu Ram, Moda Ram and Asu Ram. It is also contended by the learned counsel for the applicant that as per the statement of prosecution witness Sohan Lal, there is no mention that even the applicant participated in the said occurrence but only statement is that the present applicant and one Om Prakash were also present there along with the accused-party. Thus, when there is no allegations against the applicant with regard to inflicting any injury or participating in occurrence, then only on

the basis of his presence, it cannot be said that he has committed any offence, therefore, he may be enlarged on bail.

Learned Public Prosecutor opposed the bail.

Taking into consideration the facts and circumstances of the case and without expressing any opinion, I think it just and proper to enlarge the accused-applicant on bail.

Accordingly, the second bail application filed under Section 439 Cr.P.C. is allowed and it is directed that the applicant Raj Charan S/o Durga Dan shall be released on bail (in FIR No.21/2006 P.S. Sadar, District Bikaner) provided he executes a personal bond in the sum of Rs.20,000/- and furnishes two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of the learned trial court for his appearance before that Court on each and every date of hearing and whenever called upon to do so, till the completion of trial.

(GOPAL KRISHAN VYAS), J.

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